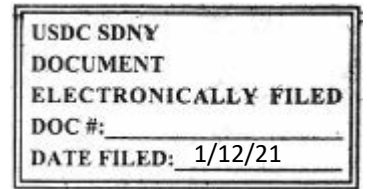


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Theda Jackson-Mau,
Plaintiff,

–v–

The Nature’s Bounty Co.,
Movant.

–v–

Walgreen Co.,
Defendant.

21-mc-00003 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On January 4, 2021, Movant The Nature’s Bounty Co. initiated this miscellaneous case by filing a motion to quash the subpoena issued to it by Plaintiff Theda Jackson-Mau in a case currently pending before Judge Frederic Block and Magistrate Judge Vera M. Scanlon in the Eastern District of New York. *See* Dkt. No. 1; *see also Jackson-Mau, et al. v. Walgreen Co.*, Case No. 1:18-cv-04868 (FB) (VMS) (E.D.N.Y.). The Movant also filed a Rule 45(f) motion to transfer to the Eastern District of New York its motion to quash the subpoena, *see* Dkt. No. 5. The case was assigned to the Undersigned on January 5, 2021. On January 5, 2021, the Court ordered the parties to meet and confer and propose a briefing schedule on the Movant’s motions, and it also directed counsel for the Plaintiff and the Defendant to indicate to the Court whether they opposed the motion to transfer. *See* Dkt. No. 7. On January 8, 2021, the parties filed a joint letter that indicated, in relevant part, that “[n]o party will oppose Nature’s Bounty’s Rule 45(f)

motion to transfer this matter to the Eastern District of New York, where the underlying action is pending.” Dkt. No. 9.

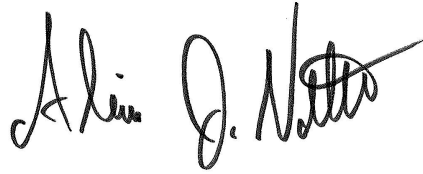
Under Federal Rule of Civil Procedure 45(f), a court “may transfer a motion [to quash a subpoena] . . . to the issuing court if the person subject to the subpoena consents.” The Movant’s unopposed motion to transfer represents to the Court that “Nature’s Bounty is the party subject to the subpoena and is the moving party here, making transfer permissible.” Dkt. No. 5 at 3; *see also* Dkt. No. 1 at 2-3 (“On December 9, 2020, . . . Plaintiff served the Subpoena on nonparty Nature’s Bounty. . . . The Subpoena . . . seeks deposition testimony across an expansive array of topics pertaining to Nature’s Bounty’s products, business relationships, and practices . . .”). And because this subpoena relates to ongoing litigation before Judge Block and Magistrate Judge Scanlon in the Eastern District of New York, the Court determines that they are significantly better suited to decide this matter. *See SBA Commc’ns Corp. v. Fractus, S.A.*, Case No. 19-mc-130 (ER), 2019 WL 4879333, at *2 (S.D.N.Y. Oct. 3, 2019) (“[T]he Court finds that the Eastern District of Texas is best-positioned to address the subpoena dispute given the nature of the dispute and the posture and complexity of the underlying action.”). The Court therefore TRANSFERS this motion.¹

¹ Because Judge Block and Magistrate Judge Scanlon will be ruling on the Movant’s motion to quash, this Court deems it proper to defer consideration of the parties’ proposed briefing schedule to them. As a result, the Court will not set a briefing schedule on the Movant’s motion to quash.

The Clerk of the Court is respectfully directed to transfer this case to the Eastern District of New York.

SO ORDERED.

Dated: January 12, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", with a stylized flourish at the end.

ALISON J. NATHAN
United States District Judge